

AMENDED IN ASSEMBLY JUNE 19, 2006
AMENDED IN SENATE JANUARY 13, 2006
AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 403

Introduced by Senator Machado

February 17, 2005

An act to add Article 3.5 (commencing with Section 8670.24.1) to Chapter 7.4 of Division 1 of Title 2 of the Government Code, relating to harbors and navigation.

LEGISLATIVE COUNSEL'S DIGEST

SB 403, as amended, Machado. Chemical Tanker Task Force.

Existing law, the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act, establishes the Office of Oil Spill Prevention and Response, which is responsible for the prevention of and response to oil spills in the waters of the state.

This bill would require the administrator of the office to convene, on or before March 1, 2007, the Chemical Tanker Task Force, which the bill would create, to gather information and make recommendations regarding chemical tankers carrying hazardous materials that enter, leave, or navigate the waters of the state. The bill would require the administrator to submit to the Legislature on or before July 1, 2008, a report on chemical tankers with information, as specified. The bill would require the administrator to seek funding for the task force's activities from the federal Department of Homeland Security or other funding sources that are not providing funds to the office as of January 1, ~~2006~~ 2007.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 3.5 (commencing with Section 8670.24.1) is added to Chapter 7.4 of Division 1 of Title 2 of the Government Code, to read:

Article 3.5. Chemical Tanker Task Force

8670.24.1. The Legislature finds and declares all of the following:

(a) Currently, tanker ships carrying hazardous materials, such as poisonous gas, flammable liquids, radioactive materials, explosives, and other dangerous chemicals, are not regulated by the Office of Oil Spill Prevention and Response.

(b) According to the San Francisco Marine Exchange, the number of chemical tankers entering San Francisco Bay has nearly tripled to 171 in 2003.

(c) Over the past nine years, U.S. Coast Guard statistics indicate that there have been at least 23 ~~accidents~~ *incidents* involving chemical tankers in the San Francisco Bay.

(d) Enhancement of security strategies that take into account the efficient movement of goods while safeguarding the state requires a coordinated approach.

(e) Currently there is no state agency monitoring the movement of hazardous materials via waters of the state.

8670.24.2. Unless the context otherwise requires, for the purposes of this article, the following terms have the following meanings:

(a) “Chemical tanker” means a vessel carrying hazardous materials, *excluding a “large passenger vessel” or “vessel” as defined pursuant to subdivision (f) of Section 72410 of the Public Resources Code.*

(b) “Hazardous materials” has the meaning set forth in subdivision (o) of Section 25501 of the Health and Safety Code.

(c) “*Specific hazardous materials*” means *hazardous materials determined by the task force to pose a significant risk to public health and safety, and the environment if released from*

1 *a vessel based upon their hazardous classification or quantity, or*
2 *both.*

3 ~~(e)–~~

4 (d) “Waters of the state” means “coastal waters” as that term is
5 defined in paragraph (1) of subdivision (a) of Section 13181 of
6 the Water Code.

7 8670.24.3. The Chemical Tanker Task Force is hereby
8 created in state government to gather information and to make
9 recommendations regarding chemical tankers entering, leaving,
10 or navigating in the waters of the state that are carrying
11 hazardous materials in a sufficient quantity that a release from
12 the chemical tanker into the environment would pose a risk to
13 public health and safety or the environment.

14 8670.24.4. (a) On or before March 1, 2007, the administrator
15 shall convene the task force, which shall consist of
16 representatives from the Office of Oil Spill Prevention and
17 Response Technical Advisory Committee, a harbor safety
18 committee, the State Lands Commission, the Department of
19 Toxic Substances Control, the Office of Emergency Response,
20 the Office of Homeland Security, and any other state agency that
21 the administrator determines to be appropriate.

22 (b) The administrator shall request the U.S. Coast Guard to
23 participate as a member of the task force.

24 8670.24.5. The task force shall do both of the following:

25 (a) Consult with or invite the participation of other relevant
26 federal, state and local agencies, as well as nonprofit agencies
27 and industry.

28 (b) Establish a process for receiving comments from the public
29 on matters to be considered by the task force.

30 8670.24.6. Meetings and deliberations of the task force shall
31 comply with the Bagley-Keene Open Meeting Act (Article 9
32 (commencing with Section 11120) of Chapter 1 of Part 1 of
33 Division 3).

34 8670.24.7. On or before July 1, 2008, the administrator shall
35 submit to the Legislature a report on chemical tankers, *the*
36 *labeling, handling, stowage, and carriage of hazardous materials*
37 *by vessels*, based on information gathered by the task force, that
38 includes all of the following:

39 (a) A summary of all federal, state, local, and international
40 statutes and regulations related to chemical tankers; reporting

1 procedures for chemical tanker spills and accidents; ~~mechanisms~~
2 ~~for chemical tanker management~~; chemical tanker spill and
3 accident prevention and response plans; and plans to safeguard
4 chemical tankers in state waters, harbors, and ports from terrorist
5 attacks.

6 ~~(b) An inventory of the types of chemical tankers, the number~~
7 ~~and names of chemical tankers in the waters of the state, the~~
8 ~~movement of chemical tankers, the size and cargo capacity of the~~
9 ~~chemical tankers, and the hull design of the chemical tankers.~~

10 *(b) A listing of chemical tankers or chemical tanker types*
11 *carrying sufficient quantities of specific hazardous materials*
12 *such that a release from those vessels into the environment would*
13 *pose a significant risk to public health and safety, and the*
14 *environment. These vessels will be identified as high risk vessels.*

15 *(c) An inventory of the types of high risk vessels, the number*
16 *and names of high risk vessels in the waters of the state, the*
17 *movement of high risk vessels, the size and cargo capacity for*
18 *specific hazardous materials of high risk vessels, and their hull*
19 *design.*

20 ~~(e)–~~

21 *(d) The volumes of hazardous materials transported by high*
22 *risk vessels, purposes of the transportation, and the ports of*
23 *destination and departure of the hazardous materials.*

24 ~~(d)–~~

25 *(e) A summary of marine casualties, collisions, accidents, near*
26 *misses, and potential risks of collision or accident in the waters*
27 *of the state involving ~~chemical tankers~~ high risk vessels. The*
28 *summary shall include both of the following:*

29 *(1) A review of at least 10 years worth of full incident and*
30 *marine casualty reports.*

31 *(2) A summary of existing and projected increases in vessel*
32 *traffic of all types in the waters of the state and how this may*
33 *impact the potential risk of collisions or accidents involving*
34 *~~chemical tankers~~ high risk vessels.*

35 ~~(e)–~~

36 *(f) An analysis of the benefits and costs, including analysis of*
37 *purpose, feasibility, and other risks, of requiring the use of tug*
38 *escorts for ~~chemical tankers~~ high risk vessels in the waters of the*
39 *state.*

40 ~~(f)–~~

(g) Any other information or recommendations from the task force relevant to the prevention of and response to ~~chemical tanker~~ spills and accidents *involving high risk vessels*.

~~(g) Recommendations for protecting, preventing, and responding to spills and accidents from chemical tankers that are entering, leaving, or navigating in the waters of the state and are carrying hazardous material in a sufficient quantity that a release of the hazardous material into the waters of the state or the atmosphere, as a result of a chemical tanker collision, a chemical tanker running aground, a terrorist attack, or other criminal act would pose a risk to public health and safety, port security, or to the environment.~~

8670.24.8. The administrator shall seek funding for activities of the task force from the federal Department of Homeland Security or other funding sources that are not providing funds to the Office of Oil Spill Prevention and Response as of January 1, 2006 2007.

CORRECTIONS:

Text — Page 4.